

IC 36-9-6.1

Chapter 6.1. Thoroughfare Projects

IC 36-9-6.1-1

Application of chapter

Sec. 1. This chapter applies to each unit that:

- (1) has established an advisory plan commission or a metropolitan plan commission under IC 36-7-4-202; or
- (2) is participating in an area planning department established under IC 36-7-4-202.

As added by P.L.220-1986, SEC.30.

IC 36-9-6.1-2

Units adopting a thoroughfare plan; tax levy; collection; fund

Sec. 2. (a) The fiscal body of a unit that has adopted a thoroughfare plan under IC 36-7-4 may levy a tax of five cents (\$0.05) on each one hundred dollars (\$100) of taxable property in the unit. The tax may be levied annually, in the same way that other property taxes are levied.

(b) The taxes levied under this section shall be collected in the same manner as other property taxes and deposited in a separate and continuing fund to be known as the thoroughfare fund. The fiscal officer of the unit may make payments or transfers from this fund only on warrants of the works board for work related to the thoroughfare plan.

As added by P.L.220-1986, SEC.30. Amended by P.L.6-1997, SEC.217.

IC 36-9-6.1-3

Works board carrying out thoroughfare plan; powers

Sec. 3. Except as provided in section 5 of this chapter, a works board carrying out a thoroughfare plan under this chapter:

- (1) has the same powers to:
 - (A) appropriate or condemn property;
 - (B) lay out, change, widen, straighten, or vacate public ways or public places;
 - (C) award and pay damages; and
 - (D) assess and collect benefits;
- (2) shall proceed in the same manner; and
- (3) is subject to the same rights of property owners, including the right to appeal;

as a works board that appropriates property under IC 32-24 and lays out, changes, widens, straightens, or vacates public ways or public places under IC 36-9-6.

As added by P.L.220-1986, SEC.30. Amended by P.L.2-2002, SEC.120.

IC 36-9-6.1-4

Adoption of resolution for proposed project

Sec. 4. A works board that wants to proceed with a project in

order to carry out a thoroughfare plan may adopt a resolution:

- (1) describing the proposed project;
- (2) setting out the items necessary for completion of the project;
- (3) including complete plans and specifications for all parts of the project other than the appropriation of property;
- (4) including an estimate by the civil engineer of the unit of the total cost of the project; and
- (5) describing the property benefited by the project, if any, that will be subject to assessment for that benefit.

As added by P.L.220-1986, SEC.30.

IC 36-9-6.1-5

Plans, specifications, and contracts for proposed project; preparation and adoption

Sec. 5. Plans, specifications, and contracts for a project proposed under section 4 of this chapter must be prepared, adopted, and let in the manner required by IC 36-9-36, except that the provisions of IC 36-9-36 for remonstrance by resident freeholders do not apply. Separate phases of a project may be included in separate plans and specifications, and the work on separate phases may be done by contract or otherwise, as separate improvements.

As added by P.L.220-1986, SEC.30. Amended by P.L.98-1993, SEC.12.

IC 36-9-6.1-6

Authorized projects

Sec. 6. Projects proposed under section 4 of this chapter may include:

- (1) the appropriation of property;
- (2) the opening, changing, widening, straightening, or vacating of any public way, public way crossing, railway, right-of-way, or public place in the unit;
- (3) the removal of any pavement, sidewalk, curb, parkway, building, or other structure;
- (4) the grading of any public way or public place; or
- (5) the construction or reconstruction of any pavement, street, sidewalk, curb, or structure.

As added by P.L.220-1986, SEC.30.

IC 36-9-6.1-7

Notice and hearing on resolution; contents of notice

Sec. 7. After publication of notice in accordance with IC 5-3-1, the works board shall hold a public hearing on the resolution adopted under section 4 of this chapter. The notice must:

- (1) fix the date of the hearing;
- (2) state that the resolution will be considered at the hearing; and
- (3) state that persons interested in or affected by the proposed project may speak at the hearing.

As added by P.L.220-1986, SEC.30.

IC 36-9-6.1-8

Hearing; objections; determinations by works board

Sec. 8. At the hearing under section 7 of this chapter, the works board shall consider objections to the proposed project and, if it decides to proceed with the project, shall:

- (1) determine what part of the cost of the project or any separate phase of the project, including damages increased by a court on appeal, shall be paid by the unit out of the thoroughfare fund as a benefit to the unit at large;
- (2) determine what part, if any, of the cost of the project or any separate phase of the project, including damages awarded by the works board, shall be assessed as benefits on the real property within a special benefit district, and fix the boundaries of that district; and
- (3) take final action, which is conclusive on all persons, confirming, modifying, or rescinding its original resolution.

As added by P.L.220-1986, SEC.30.

IC 36-9-6.1-9

Approval of project; assessment of cost

Sec. 9. If the works board approves a project and decides to assess a part of the cost of that project against the property specially benefited, the board shall:

- (1) advertise for bids;
- (2) let contracts; and
- (3) assess costs;

for the whole project or separate phases of the project, in the manner prescribed by IC 36-9-36.

As added by P.L.220-1986, SEC.30. Amended by P.L.98-1993, SEC.13.

IC 36-9-6.1-10

Rights of affected property owners

Sec. 10. The owners of property affected by an assessment under section 9 of this chapter have the same rights as property owners affected by an assessment under IC 36-9-36.

As added by P.L.220-1986, SEC.30. Amended by P.L.98-1993, SEC.14.

IC 36-9-6.1-11

Costs exceeding balance in thoroughfare fund; bond issue

Sec. 11. If a unit's costs in acquiring property and paying benefits assessed against the unit under this chapter exceed the balance in the unit's thoroughfare fund, the unit may issue bonds in an amount sufficient to pay all or part of those costs. The bonds must be:

- (1) approved by the executive of the unit;
- (2) authorized by ordinance of the fiscal body of the unit;
- (3) issued and sold in the same form and manner, including the same interest rate and maturities, as bonds for general purposes of the unit.

As added by P.L.220-1986, SEC.30.

IC 36-9-6.1-12

Proceeds of sale of bonds; deposit in fund; payments

Sec. 12. Proceeds from the sale of bonds under section 11 of this chapter shall be deposited in the thoroughfare fund and used by the unit to pay for:

- (1) property acquired by the unit;
 - (2) benefits assessed against the unit at large; and
 - (3) damages increased by a court on appeal;
- under this chapter.

As added by P.L.220-1986, SEC.30.